

REMARKS

Support for new claim 33 can be found on page 11, lines 3-5 of the specification and thus, Applicants believe that new claim 33 does not add any new matter.

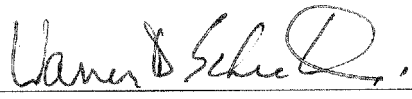
Applicants assert that claim 33 is patentable over the cited art of record, *Chen et al.* (U.S. Patent No. 6,383,471) in view of *Gordziel* (U.S. Patent No. 6,287,597). More specifically, *Chen et al.* teach away from using a hydrophilic therapeutic agent such as gabapentin to form a tannate salt and thus cannot serve to create a *prima facie* case of obviousness. The arguments with regard to *Chen et al.* submitted with Applicants' response mailed November 21, 2006, and Applicants' Amendment After Final Rejection mailed April 19, 2007, are incorporated herein by reference.

The *Gordziel* patent indicates that the pyrilamine tannate and phenylephrine tannate are prepared by conventional procedures where the formed tannate reaction mixture is cooled to room temperature and then filtered, washed with isopropanol and then vacuum dried. The *Gordziel* patent also identifies alternative routes for preparing tannate salts as described in U.S. Patent Nos. 5,599,846 and 5,663,415, both of which use a freeze-drying step to isolate and purify the formed pyrilamine and/or phenylephrine tannate salts.

Accordingly, Applicants assert that new claim 33 is patentable over *Chen et al.* in view of *Gordziel*.

Respectfully submitted,

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